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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 KENNETH TUCKER,

9 Plaintiff,

10 v.

11 PALMS HOTEL AND CASINO,

12 Defendant.
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Case No. 2:10-CV-01090-KJD-RJJ

ORDER

14 Plaintiff's Complaint (#1) was filed July 2, 2010. Federal Rule of Civil Procedure 4(m)
15 requires service of summons and complaint to be made upon a defendant 120 days after the filing of
16 the complaint. The 120 day time period for effecting service of the summons and complaint upon
17 Defendant expired no later than November 1, 2010. Plaintiff has not yet filed proof of service.

18 Accordingly, IT IS HEREBY ORDERED that Plaintiff shall have up to and including
19 November 22, 2010 to file proof of service of the summons and complaint within the allowed time.
20 If Plaintiff fails to respond or to file proof of service, the Court will dismiss the complaint without
21 prejudice in accordance with Federal Rule of Civil Procedure 4(m).

22 DATED this 5th day of November 2010.
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26 Kent J. Dawson
United States District Judge